

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

JOHN NOAKES,

Plaintiff,

v.

CASE WESTERN RESERVE
UNIVERSITY,

Defendant.

Case No. 1:21-cv-1776-PAB

Judge: BARKER

JOINT MOTION TO VACATE
HEARING ON PRELIMINARY
INJUNCTION

and

NOTICE OF WITHDRAWAL OF
MOTION FOR PRELIMINARY
INJUNCTION

Plaintiff John Noakes and Defendant Case Western Reserve University (“CWRU”) respectfully submit this Joint Motion to Vacate the December 22, 2021 hearing on the Motion for Preliminary Injunction. (Doc#2.) Plaintiff also provides Notice of the Withdrawal of the Motion for a Preliminary Injunction.

As grounds for this Motion, the Parties state:

1. The parties have reached an agreement regarding the matters outlined in the Motion for a Preliminary Injunction. Accordingly, the December 22, 2021 hearing on the Motion for a Preliminary Injunction is not necessary.
2. Plaintiff hereby withdraws the Motion for Preliminary Injunction.
3. The parties stipulate and agree that the withdrawal of the Motion for Preliminary Injunction and this Joint Motion should not be construed as an admission by any party and is without prejudice to the ability of any party to seek further relief from the Court. The parties further agree and stipulate that Plaintiff may refile the withdrawn motion and the parties specifically reserve and retain any arguments in support of, and in opposition to, such motion. Notwithstanding the foregoing, the parties agree and stipulate that

Defendant is precluded from arguing that any delay as a result of this Joint Motion in seeking injunctive relief from the Court by Plaintiff is evidence that Plaintiff will not suffer irreparable harm.

FOR PLAINTIFF:

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FOR DEFENDANT:

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